

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS TORO,

Plaintiff,

-against-

GIJUNGLE, INC.,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 08/18/2023

23-CV-5834 (JHR) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Plaintiff Luis Toro filed a complaint on July 7, 2023 (Dkt. 1), and a proof of service on July 24, 2023, reflecting service of a summons that day (Dkt. 8), which if valid would have made defendant's answer due August 11, 2023. Defendant has not appeared, and no answer has been filed, nor has plaintiff requested a certificate of default.

However, plaintiff's service appears to be deficient, because the summons (Dkt. 8 at ECF pp. 3-4) was not issued by this Court, and "did not contain the court clerk's signature and the court's seal." *DeLuca v. AccessIT Grp., Inc.*, 695 F. Supp. 2d 54, 66 (S.D.N.Y. 2010); *see also* Fed. R. Civ. P. 4(a)(1)(F)-(G) (describing required contents of summons). Additionally, the summons served by plaintiff incorrectly describes this action as one for "an unpaid consumer debt." (Dkt. 8 at ECF p. 3.)

Plaintiff is reminded that it is his responsibility to serve a summons that meets the requirements of Fed. R. Civ. P. 4(a)(1), and to do so within 90 days after the filing of his complaint, *see* Fed. R. Civ. P. 4(m) – that is, no later than **October 5, 2023**.

Dated: New York, New York
August 18, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge